

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ANTONIO LEE MIXON,

Case No. 2:16-cv-02014-RFB-GWF

Plaintiff,

ORDER

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STATE OF NEVADA et al.,

Defendants.

I. DISCUSSION

On September 30, 2017, this Court entered a screening order which dismissed the complaint in its entirety, with prejudice, as amendment would be futile, for failure to state a claim. (ECF No. 14 at 6). The Court also certified that any *in forma pauperis* appeal would not be taken in good faith. (*Id.*) In the screening order, the Court found that Plaintiff failed to allege any colorable claim based on the right to privacy, copyright protection infringement, or plagiarism against prison officials for reviewing Plaintiff's outgoing mail which stated, "don't open." (*Id.* at 4). Plaintiff now files two motions for reconsideration. (ECF No. 17, 18).

A motion to reconsider must set forth “some valid reason why the court should reconsider its prior decision” and set “forth facts or law of a strongly convincing nature to persuade the court to reverse its prior decision.” *Frasure v. United States*, 256 F.Supp.2d 1180, 1183 (D. Nev. 2003). Reconsideration is appropriate if this Court “(1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was

1 manifestly unjust, or (3) if there is an intervening change in controlling law.” *Sch. Dist.*
2 *No. 1J v. Acands, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). “A motion for reconsideration
3 is not an avenue to re-litigate the same issues and arguments upon which the court
4 already has ruled.” *Brown v. Kinross Gold, U.S.A.*, 378 F.Supp.2d 1280, 1288 (D. Nev.
5 2005).

6 The Court has reviewed Plaintiff’s motions. Both motions reiterate arguments
7 made in Plaintiff’s complaint. (See generally ECF No. 17, 18). Additionally, nothing in
8 the motions lead this Court to find that it committed clear error in its initial decision. As
9 such, the Court denies the motions for reconsideration.

10 **II. CONCLUSION**

11 For the foregoing reasons, it is ordered that the motions for reconsideration (ECF
12 No. 17, 18) are denied.

14 DATED THIS 12th day of December 2017.



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16 RICHARD F. BOULWARE, II
17 UNITED STATES DISTRICT JUDGE
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